<center>REMARKS</center>

The present application was filed on July 15, 2003 with claims 1-19. In previous amendments, claims 20-27 have been added, and claims 2, 5, 7-10 and 20 have been canceled. Claims 1, 3, 4, 6, 11-19 and 21-27 were pending prior to the present amendment. Claims 1, 18 and 19 are the pending independent claims.

Claims 1, 3, 4, 6, 11-19 and 21-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Boggio et al., "NetworkDesigner - Artifex - OptSim: A Suite of Integrated Software Tools for Synthesis and Analysis of High Speed Networks," Optical Networks Magazine, Sept/Oct 2001, pages 27-41 (hereinafter "Boggio") in view of Sun et al., "Simulation Studies of Multiplexing and Demultiplexing Performance in ATM Switch Fabrics," Performance Engineering in Telecommunications Network Teletraffic Symposium, 14-16 Apr. 1993, pages 21/1 – 21/5 (hereinafter "Sun") and Ishida et al., "A 10-GHz 8-b Multiplexer/Demultiplexer Chip Set for the SONET STS-192 System," IEEE Journal of Solid-State Circuits, Vol. 26, No. 12, Dec. 1991, pages 1936-1943 (hereinafter "Ishida").

With regard to the objection, although Applicants respectfully disagree with the Examiner's characterization of the previously-recited language of the independent claims, Applicants have nonetheless chosen to amend the claims without prejudice solely in order to expedite allowance. Applicants have also amended references to "one or more configurable parameters of a base device" and "one or more configurable parameters of a switch fabric" because, as discussed below, each independent claim requires at least five configurable parameters of a base device, and thus at least five configurable parameters of a switch fabric. Applicants respectfully assert that these amendments merely correct formal matters without altering the scope of the independent claims, and thereby request entry under 37 CFR 1.116.

Claim 1 specifies that the configurable parameters of the base device <u>comprise</u> a cell payload size, a chip version, a clock speed, a switching capacity, <u>and</u> a configuration type. " 'Comprising' is a term of art used in claim language which means that <u>the named elements are essential</u>, but other elements may be added and still form a construct within the scope of the claim." *Genentech, Inc. v. Chiron Corp.*, 112 F.3d 495, 501, 42 USPQ2d 1608, 1613 (Fed. Cir. 1997) (emphasis added) In other words, in order for the aforementioned limitation of claim 1 to be met, <u>all</u> of the named configurable parameters must be taught or suggested.
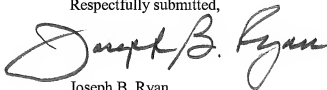
<center>7</center>

In formulating the present rejection of claim 1, the Examiner concedes that Boggio fails to disclose the aforementioned limitation of claim 1, but rather alleges that Sun teaches a configurable switching capacity and configuration type. See the present Office Action at pages 6-7 and 10-11. Even assuming *arguendo* that Sun could be characterized in the manner proposed by the Examiner, however, the Examiner has still failed to present a *prima facie* case of obviousness over the combination of Boggio, Sun and Ishida, as he has failed to indicate the manner in which the combination is believed to disclose an arrangement in which configurable parameters of a base device also comprise a cell payload size, a chip version and a clock speed, as required by claim 1.

Independent claims 18 and 19 include limitations similar to those discussed above with reference to claim 1 and are therefore believed to be similarly patentable.

The dependent claims are believed to be patentable at least by virtue of their dependence from independent claim 1. Furthermore, one or more of these claims is believed to define separately patentable subject matter.

In view of the foregoing, claims 1, 3, 4, 6, 11-19 and 21-27 are believed to be in condition for allowance.

Respectfully submitted,

Date: July 12, 2010

Joseph B. Ryan
Attorney for Applicants
Reg. No. 37,922
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-7517